



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REGINALD SIMMONS,

11 CIV 2842 (DAB)

Plaintiff,

-against-

**STIPULATION OF
SETTLEMENT AND ORDER OF
DISMISSAL**

ROOSEVELT ISLAND OPERATING CORPORATION,
ROOSEVELT ISLAND PUBLIC SAFETY
DEPARTMENT, GRISTEDES 59 LLC, GRISTEDES
SUPERMARKET MANAGER ARTIE FARRELL,
GRISTEDES STORE SECURITY OFFICER ANGELO
ADORNO, ROOSEVELT ISLAND PUBLIC SAFETY
DEPARTMENT OFFICER JEFFREY LASZCZYCH,
Badge No. 2549, ROOSEVELT ISLAND PUBLIC
SAFETY DEPARTMENT DETECTIVE RIVERA,
ROOSEVELT ISLAND PUBLIC SAFETY
DEPARTMENT SERGEANT HERNANDEZ,
ROOSEVELT ISLAND PUBLIC SAFETY
DEPARTMENT OFFICER CLEMENTE and ROOSEVELT
ISLAND PUBLIC SAFETY DEPARTMENT CAPTAIN
SUAREZ,

Defendants.
-----X

WHEREAS, plaintiff commenced this action by filing a complaint, alleging violations
of his federal, civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and:

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without
further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with
prejudice, and without costs, expenses or attorneys' fees in excess of the amount specified in the
Release.

2. It is hereby agreed that the defendants will pay the plaintiff the sums of money delineated in the Release in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all claims against defendants and to release the defendants, and any present or former employees and agents of the defendants from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, the Release based upon the terms of this Stipulation of Settlement and Order of Dismissal. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering the requisite documents to effect this settlement, plaintiff shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of New York or Roosevelt Island or any other rules, regulations or bylaws of any department or subdivision thereof. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of Roosevelt Island Operating Corporation or any agency thereof.

SO ORDERED:

Deborah A. Batts

Judge Deborah A. Batts

04/11/12

J

Janice Berkowitz

BY: JANICE BERKOWITZ
AHMUTY, DEMERS & McMANUS
Attorneys for Defendants
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DEPARTMENT OFFICER JEFFREY
LASZCZYCH, ROOSEVELT ISLAND
PUBLIC SAFETY DEPARTMENT
DETECTIVE RIVERA, ROOSEVELT
ISLAND PUBLIC SAFETY
DEPARTMENT SERGEANT
HERNANDEZ, ROOSEVELT ISLAND
PUBLIC SAFETY DEPARTMENT
OFFICER CLEMENTE and ROOSEVELT
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